

Item Number: 4
Application No: 20/00587/HOUSE
Parish: Lillings Ambo Parish Council
Appn. Type: Householder Application
Applicant: Dr Sally Fairweather
Proposal: Formation of vehicular access and dropping of kerb
Location: Ash Tree House Sheriff Hutton YO60 6QG

Registration Date: 29 June 2020
8/13 Wk Expiry Date: 24 August 2020
Overall Expiry Date: 31 July 2020
Case Officer: Ellie Thompson **Ext:** 43326

CONSULTATIONS:

Highways North Yorkshire	Recommend conditions
Lillings Ambo Parish Council	Lillings Ambo Parish Council cannot support this application

Neighbour responses: Mr John Armitage,

Site

Ash Tree House is located to the south of Sheriff Hutton on the Strensall Road.

The applicants operate a horticultural business from this site and are associated with a wider family run agricultural and horticultural business at Butterwick.

Planning History

There is no recent planning history or planning history relevant to the application.

Proposal

The proposal is to create a vehicular access and dropped kerb to the front of the property. It will adjoin and widen the existing access to the property from the main road which is shared with the neighbouring property. The access will be constructed using tarmac and will include an additional section of concrete hardstanding adjacent to the existing concrete driveway.

At present the existing access to the property and farm yard is owned by a neighbour, with the applicants having a right of access. The current access serves the Ash Tree House and the neighbouring property as well as the farmyard. The applicant has confirmed that the farmyard is not open to the public and experiences limited regular traffic.

The applicants have a small wooden roadside stall which they use to sell surplus stocks of produce (mainly eggs and plants) on an honesty basis. It is understood that this has resulted in occasions where customers have parked on neighbouring land or on the main road. The proposed access seeks to address these issues by widening the existing access in order to provide Ash Tree House with its own access.

The applicant has confirmed that visitors to the site park primarily to access the roadside stall and that use of the stall has increased since the COVID pandemic. She has confirmed that plant sales associated with the horticultural business are via delivery to customers with occasional customer visits to the site for plant collection and that there are no plans to change the nature of the business at the site.

It is understood that the application has been made in part, in response to concerns made by the occupier of the neighbouring property over inconsiderate parking on the existing driveway and, following the erection of signs, parking on the highway.

Policies

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The relevant Development Plan policies for the determination of this application are:

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

Consultation

An objection has been received from the owner of the neighbouring property and driveway that the application adjoins. A summary of the issues included in an initial objection and subsequent responses is as follows:

- The commercial horticultural business is the reason for the application (not residential as indicated)
- As proposed it does not satisfy the need for better access and off road parking
- There has been an increase in traffic using the private driveway, entrance and highway in this location associated with the business
- This is a fast stretch of road with previous accidents
- The traffic is associated with the delivery and collection of goods as well as the road side stall
- Inconsiderate and dangerous parking, blocking the driveway
- Results in increased noise and disturbance
- The proposal will not have the desired effect as the business will continue to develop and attract more customers. Support the business but it would be more appropriate to form a new entrance and off road parking further down the road
- Blocking the driveway is frequent not rare
- Can't see how customers will be able to park without impacting on the highway or my drive
- Will reduce privacy and increase our exposure to road noise a result of the removal of the hedge

Lillings Ambo Parish Council has also objected to the application on the basis that the:

- Extended driveway will be hazardous due to its position and the nature of its intended use
- The business operating from the site should have its own access with adequate sight lines

These representations can be viewed in full on the web-site. Photographs submitted by the neighbour are also on the public file.

Appraisal

The main issues associated with application are addressed below:

Traffic and Highway Safety

The application represents a widening of an existing access off the main road, together with additional hardstanding within the curtilage of the property which would allow for parking and manoeuvring. The proposal is designed to support existing activity at Ash Tree House. Any potential future material change in the use/business activity at the site would require planning permission and the highway implications of any change of use would be assessed on that basis. As it stands, the application must be determined on its own merits and on the basis of the current use of the site.

Notwithstanding objections received in relation to highway safety, the Local Highway Authority has considered the proposals in relation to activity at the site and has confirmed that *'the assessment of the site has concluded that the proposed widening of the access will not create conditions which are deemed to be prejudicial to highway safety and furthermore, it is considered that the widening of the access would decrease the potential hazards at this location by way of creating an additional area for vehicles to manoeuvre appropriately.'*

The LHA has recommended conditions. Although the plans accompanying the application are rudimentary, the conditions will ensure that the access is built to the appropriate technical specification.

On the basis of the above it is considered that the proposed development complies with Policy SP 20 (Generic Development Management Issues) of the Local Plan Strategy.

Design

The proposal will include an additional area of hardstanding to the front of the property within its curtilage and the removal of 10 m section of garden boundary hedge. There will be a strong visual connection between the proposed works and the existing access and buildings. In this respect, it is considered that the proposal is not out of character with the site or visually harmful to the site or locality to an unacceptable extent. It should be noted that hardstanding to the front of the property and within its curtilage could be achieved using permitted development rights. Additionally, there are no restrictions which would prevent the applicant from removing the existing garden hedge or sections of it. Therefore it is considered that the proposal complies with policy SP 16 (Design) and SP20 (Generic Development Management Issues) of the Local Plan Strategy.

Other Issues raised

The occupier has raised concerns of noise and disturbance associated with the business and the current parking issues. It should be noted however, that the proposal does not seek to intensify the existing business or to increase retail sales at the site. The proposal is for an improved access arrangement which will not in itself create additional noise or disturbance over and above that which is currently experienced as a result of activity at Ash Tree House. It should also be reiterated that the property is located adjacent to the main Strensall to Sheriff Hutton road and as such will be regularly exposed to background traffic noise.

The occupier of the neighbouring property has also raised concerns about a loss of privacy and increase in road noise as a result of the loss of the section of hedge. The hedge is not immediately to the front of the neighbouring property and does not screen it from view. It is considered that the removal of the section of hedge will not result in an unacceptable loss of privacy for the occupiers of the adjacent property or result in a significant increase in exposure to road noise, dust or fumes over and above what is currently experienced given the proximity of the road. In this respect it is considered that the proposal would comply with Policy SP 20 in terms of its impact of the amenity of neighbouring residents.

Conclusion

Highway safety is a key material consideration in this case. Whilst there are objections to the proposal on the basis of highway safety, the Local Highway Authority has confirmed that this matter has been

addressed and that the widening of the access would reduce potential hazards at this location. Approval is recommended subject to the following conditions.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

- Site Location Plan (received by the Local Planning Authority on 03/07/2020)
- Revised Site Layout Plan (received by the Local Planning Authority 31/07/2020)

Reason: For the avoidance of doubt and in the interests of proper planning in accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

3 The development must not be brought into use until the access to the site at Ash Tree House has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

The crossing of the highway verge must be constructed in accordance with the approved details and/or Standard Detail number E50 Rev A (enclosed) or equivalent and the following requirements.

- Any gates or barriers must be erected a minimum distance of 1.5 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- The final surfacing of any private access within 1.5 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users and to comply with Policy SP20 of the Ryedale Local Plan.

INFORMATIVE(S)

1 Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edi.pdf .

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

